

CANADIAN CITIZENSHIP: LESSONS FOR NEW AND EXPERIENCED PRACTITIONERS

Course Summary: This course provides an in-depth discussion of Canadian citizenship law and applications for Canadian citizenship, covering both basic principles as well as complex scenarios. We will review the provisions relating to Canadian citizenship by birth and descent, as well as applications for grant of citizenship. The loss and renunciation of citizenship will also be covered, as well as some ethical considerations to keep in mind when representing clients in citizenship matters.

Course Outline:

1. Who is a Canadian citizen?
 - Citizenship by birth
 - Citizenship by descent
 - “Lost” Canadians
 - Second generation born abroad rule
 - Applications for citizenship certificates
2. Applying for a grant of citizenship
 - General requirements
 - Calculating residency
 - Language testing
 - Knowledge of Canada test (citizenship test)
 - Police clearance certificate
 - Compassionate waivers
 - Adoption cases
3. Prohibitions to applying for citizenship
 - Criminality
 - Removal order
 - Fraud

4. The application process

- Application forms
- Supporting documents
- Fees
- Citizenship test
- Swearing the oath
- Processing times

5. Suspension of processing

- Investigation/inquiry

6. Loss/renunciation of citizenship

- Loss of citizenship if obtained by fraudulent means
- Process and requirements to renounce citizenship

7. Ethical considerations in citizenship applications

- Joint retainers and implications
 - No confidentiality between the parties to a retainer
- Receiving instructions and payment from third parties
- Conflicts of interest – avoidance and management
 - Potential sources of conflicts of interests
 - Handling conflicts and withdrawal of representation
- Omissions and misrepresentations
 - Obligation to answer truthfully
 - Duty to not mislead immigration authorities